

RAYMOND C. CABALLERO  
MAYOR



## CITY COUNCIL

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 20, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar and Luis G. Sariñana. Absent: Jan Sumrall. Late Arrival: Anthony Cobos. Meeting was called to order at 9:07 a.m. and the invocation was given by Police Chaplain Charlie Flores, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

### MAYOR'S PROCLAMATIONS

1. ***International Baccalaureate Diploma Program Week***
2. ***El Paso Museum of Art Recognition Day***
3. ***Pasa Las Llaves/Pass The Keys***
4. ***Osteoporosis Awareness Month***
5. ***National Drug Court Month***
6. ***Ramona Elementary Day***
7. ***San Juan Senior Citizen Center***

Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

### \*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

4314-4316 Manzana a/k/a 4314 Stephenson	<u>Lien Amount</u>
	\$2,791.79

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Civil Penalties assessed to the owner of the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this civil penalty:

	<u>Penalty Amount</u>	<u>Penalty Paid</u>
510-510 ½ East Road	\$1,100.00	\$1,811.21

.....  
Motion made, seconded and unanimously carried to move to the forefront and Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the City of El Paso and El Paso Health Care Center Limited for the improvement and maintenance of the median along Sumac from Gateway West to Candlewood, El Paso, El Paso County, Texas.

Representative Sariñana thanked Las Palmas Del Sol for their support

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council approve the following amendment to the Community and Human Development Housing Programs Handbook, Chapter 6, First Time Homebuyers Program guidelines under Section I. Homeownership Plan, Section A. Eligibility, Subsection 7 on page 6-2, by increasing the amount of the maximum sales price of the home to be purchased under the program from \$65,000 to \$85,000; as shown on the attachment and as recommended by the Director of Community and Human Development.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eight Thousand Three Hundred And No/100ths Dollars (\$ 8,300.00 - \$7,800 loan/\$500 grant) against the following described real property:

Lot 6, Block 39, Eastwood Unit 7, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 26, Page 28, Plat Records of El Paso County, Texas; also known and numbered as 10430 Springwood Drive, El Paso, Texas 79925.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eleven Thousand And No/100ths Dollars (\$ 11,000.00 - \$10,725 loan/\$275 grant) against the following described real property:

Lot 8, Block 15, Capistrano Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 56, Page 13, Plat Records of El Paso County, Texas; also known and numbered as 251 Maravilla Drive, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Thirty-Five And 07/100ths Dollars (\$35.07).

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Claude Montes covering an exhibit of "Sculpture and/or Paintings" at the Richard Burges Branch of the El Paso Public Library System for the period of October 3 through November 21, 2003. This exhibition is at no cost to the City.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Lester Hughes covering an exhibit of "Paintings (oil and water color)" at the Richard Burges Branch of the El Paso Public Library System for the period of August 1 through September 26, 2003. This exhibition is at no cost to the City.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Co-Sponsorship Agreement, on behalf of the El Paso Museum of Art, with the El Paso Insights Science Museum to provide for a preview party for the opening of the exhibitions of **Chicano Visions: American Painters on the Verge**, a traditional art exhibit, and **Chicano Now: American Expressions**, an interactive multimedia exhibit for families. The preview party, which shall be a joint fund-raising event for the El Paso Museum of Art and Insights El Paso Science Museum, shall be held on June 12, 2003, and shall include the serving of alcohol. Costs of the event shall be covered by proceeds from admission charges.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to prepare and submit an application for a Special Privilege License to close portions of Santa Fe Street, San Francisco Avenue, Main Drive, and Franklin Avenue for a Street Festival on June 14, 2003, and that the Planning, Research & Development Department be authorized to accept and process such application. The Street Festival will celebrate the opening of the

exhibitions of ***Chicano Visions: American Painters on the Verge***, a traditional art exhibit, and ***Chicano Now: American Expressions***, an interactive multimedia exhibit for families, to be held at the El Paso Museum of Art and the Insights El Paso Science Museum, respectively.

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\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council and the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT: 501011**

1. CONTRACTOR: Alex Alejandro, Swim Instructor, Step 1  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-273
2. CONTRACTOR: Joseph Candelaria, Swim Instructor, Step 1  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-274
3. CONTRACTOR: Heather Curiel, Lifeguard, Step 2  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-275
4. CONTRACTOR: Monica Dominguez, Lifeguard, Step 2  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-276
5. CONTRACTOR: Rose Marie Gardea, Swim Instructor, Step 1  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-277
6. CONTRACTOR: Crysta M. Grenier, Swim Instructor, Step 1  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-278
7. CONTRACTOR: Daniel Juarez, Outdoor Pool Manager, Step 1  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$7.30  
CONTRACT NO: 2002/2003-279
8. CONTRACTOR: Fernando Martinez Jr., Lifeguard, Step 2  
DATES: May 21, 2003 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-280

9. CONTRACTOR: Michael G. Naylor, Lifeguard, Step 2  
 DATES: May 21, 2003 thru September 30, 2003  
 RATE PER HR: \$6.00  
 CONTRACT NO: 2002/2003-281
10. CONTRACTOR: Richard A. Nunez, Swim Instructor, Step 1  
 DATES: May 21, 2003 thru September 30, 2003  
 RATE PER HR: \$5.35  
 CONTRACT NO: 2002/2003-282
11. CONTRACTOR: Adan Perez, Swim Instructor, Step 1  
 DATES: May 21, 2003 thru September 30, 2003  
 RATE PER HR: \$5.35  
 CONTRACT NO: 2002/2003-283
12. CONTRACTOR: Cristina Y. Pina, Swim Instructor, Step 1  
 DATES: May 21, 2003 thru September 30, 2003  
 RATE PER HR: \$5.35  
 CONTRACT NO: 2002/2003-284
13. CONTRACTOR: Krystina Torres, Swim Instructor, Step 1  
 DATES: May 21, 2003 thru September 30, 2003  
 RATE PER HR: \$5.35  
 CONTRACT NO: 2002/2003-286

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 \*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002/2003 appropriations to be approved by the City Council and the City's Civil Service Commission.

**SPORTS PROGRAMMING**

**DEPARTMENT ID: 51010215, ACCOUNT: 502215**

1. CONTRACTOR: El Paso Softball Umpires Association, Umpires Girls Fast Pitch  
 DATES: May 21, 2003, thru August 31, 2003  
 RATE PER GM: \$12.00  
 MAXIMUM AMT: \$1,200.00  
 CONTRACT: 2002/2003-129
2. CONTRACTOR: El Paso Umpires Association, Officials/Scorekeepers Girls Fast Pitch  
 DATES: May 21, 2003, thru August 30, 2003  
 RATE PER GM: \$42.00  
 MAXIMUM AMT: \$6,300.00  
 CONTRACT: 2002/2003-130
3. CONTRACTOR: El Paso Umpires Association, Officials/Scorekeepers Girls Fast Pitch  
 DATES: May 21, 2003, thru August 30, 2003  
 RATE PER GM: \$52.00  
 MAXIMUM AMT: \$5,200.00  
 CONTRACT: 2002/2003-131

4. CONTRACTOR: El Paso Umpires Association, Officials/Scorekeepers Girls Fast Pitch  
 DATES: May 21, 2003, thru August 30, 2003  
 RATE PER GM: \$50.00  
 MAXIMUM AMT: \$9,000.00  
 CONTRACT: 2002/2003-132
5. CONTRACTOR: Rodolfo P. Melendez, Officials/Scorekeepers Youth Baseball  
 DATES: May 21, 2003, thru August 30, 2003  
 RATE PER GM: \$38.00  
 MAXIMUM AMT: \$2,128.00  
 CONTRACT: 2002/2003-133

**CAROLINA RECREATION CENTER**

**DEPARTMENT ID: 51510073, ACCOUNT: 502214**

6. CONTRACTOR: Gilbert Silva, Guitar Instructor  
 DATES: June 4, 2003, thru August 30, 2003  
 RATE PER CL: \$9.55  
 MAXIMUM AMT: \$382.00  
 CONTRACT: 2002/2003-134

**GALATZAN RECREATION CENTER**

**DEPARTMENT ID: 51510131, ACCOUNT: 502214**

7. CONTRACTOR: Katie Muñoz, Gymnastics Instruction  
 DATES: June 3, 2003, thru August 31, 2003  
 RATE PER CL: \$9.55  
 MAXIMUM AMT: \$553.90  
 CONTRACT: 2002/2003-135
8. CONTRACTOR: Guy Rosas, Martial Arts Instructor  
 DATES: May 21, 2003, thru August 30, 2003  
 RATE PER CL: \$10.45  
 MAXIMUM AMT: \$1,222.65  
 CONTRACT: 2002/2003-136
9. CONTRACTOR: Alberto Torres, Yoga Instruction  
 DATES: June 3, 2003, thru August 31, 2003  
 RATE PER CL: \$9.55  
 MAXIMUM AMT: \$744.90  
 CONTRACT: 2002/2003-137

**NORTHEAST RECREATION CENTER**

**DEPARTMENT ID: 51510107, ACCOUNT: 502214**

10. CONTRACTOR: Mandy R. Johnson, Timekeeper/Scorekeeper for Basketball  
 DATES: May 21, 2003, thru September 1, 2003  
 RATE PER GM: \$6.00  
 MAXIMUM AMT: \$336.00  
 CONTRACT: 2002/2003-138

\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 17<sup>th</sup> day of June, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3027 Rivera Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 14, Block 2, Supplemental Map No. 1 of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Maria Teresa Ortiz De Villalobos, 624 Cora Place, El Paso, Texas 79915, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of June, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8167 La Paloma Circle, in El Paso, Texas, which property is more particularly described as:

Lot: 26, Block 2, La Paloma Park, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 12, Page 42, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, David P. Garman & Janey Garman, 8167 La Paloma Circle, El Paso, Texas 79907, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence tending to show that the structure or part thereof is safe.

All documents such as building plans, specifications, reports from design professionals and any other required documents must be presented to City Council

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;



III) the Owners may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of June, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7105 Orange Tree Lane, in El Paso, Texas, which property is more particularly described as:

Lot: 17, Block 4, Hidden Valley Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 23, Page 3, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Frances W. Montalvo, 7105 Orange Tree Lane, El Paso, Texas 79915, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence tending to show that the structure or part thereof is safe.

All documents such as building plans, specifications, reports from design professionals and any other required documents must be presented to City Council

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of June, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8126 Lowd Avenue, in El Paso, Texas, which property is more particularly described as:

Tract: The Easterly 54.74 feet of the Northerly 75 feet and the Easterly 40.75 feet of the Southerly 80 feet of the Northerly 155 feet of Tract 59, Cinecue Park Subdivision, an Addition to the City of El Paso El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Joaquina Castillo, 8116 Algerita Court, El Paso, Texas 79915-4604, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence tending to show that the structure or part thereof is safe.

All documents such as building plans, specifications, reports from design professionals and any other required documents must be presented to City Council

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of June, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7358 Mimosa Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 23, Block 26, Cedar Grove Park Subdivision Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 3, Page 64, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Julia J. Amaya, 7358 Mimosa Avenue, El Paso, Texas 79915, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence tending to show that the structure or part thereof is safe.

All documents such as building plans, specifications, reports from design professionals and any other required documents must be presented to City Council

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of June, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8821 Harding Way, in El Paso, Texas, which property is more particularly described as:

Lots: 14 and 15 and a portion of Lot 16, Block A, Map of Spohr Addition, an Addition to the City of El Paso, El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Amparo R. Munoz, 8821 Harding Way, El Paso, Texas 79907, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence tending to show that the structure or part thereof is safe.

All documents such as building plans, specifications, reports from design professionals and any other required documents must be presented to City Council

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the Pueblo Montana Unit Three Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Leticia Street - from the northwest subdivision boundary line to the northeast subdivision boundary line

Gustavo Street - from the east property line of Leticia Street to the northwest property line between Lots 65 and 66, Block 1

Lynwood Street - from the northwest property line between Lots 65 and 66, Block 1 to the northeast property line between Lots 83 and 84, Block 1

Marquis Street - from the northeast property line between Lots 83 and 84, Block 1 to the east property line of Leticia Street

Rocio Street - from the north property line of Gustavo Street to the south property line of Marquis Street

Drainage Improvements:

Retention Ponding Area - at Lot 45, Block 4; 2.027 ac. Area; 15.718 ac-ft. Capacity; 2-Thrust Block Structures with Concrete Rip-Rap; 1975.24 ft. Rock Wall Fence around the ponding area perimeter; 18 ft. Double Swing Gate; 1-Water Depth Gage; and 648 ft. x 5 ft. Sidewalk

Storm Drainage System - located at Leticia Street; 2-3 Grate Drop Inlets Type I; 1-2 Grate Drop Inlet Type I; 2-8 ft. x 6 ft. Concrete Flume Structures with Steel Plate Cover; 54 ft. of 30" R.C.P.; 263.11 ft. of 24" R.C.P.; and 2-Junction Box/72" Manhole

20 ft. Drainage Easement R.O.W. - between Lots 83 and 84, Block 1; 387.74 ft. x 6 ft. High Rock Wall located at the both sides of the easement; and 2-18 ft. Double Swing Gate

15 ft. Drainage Easement - at Lot 46, Block 4; 1-2 Grate Drop Inlet Type II with Concrete Rip-Rap

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the Tierra Del Este Unit Six Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Tierra Humeda Drive - from the south property line of Tierra Arroyo Drive to the northwest subdivision boundary line

Tierra Salada Drive - from the southwest property line between Lots 40 and 41, Block 33 to the southeast property line between Lots 65 and 66, Block 33

Tierra Arroyo Drive - from the southeast property line between Lots 65 and 66, Block 33 to the west property line of Tierra Este Road

Tierra Valle Drive - from the southwest property line between Lots 38 and 39, Block 35 to the south property line of Tierra Loma Drive; and from the north property line of Tierra Loma Drive to the end of cul-de-sac

Tierra Mar Way - from the west property line of Tierra Humeda Drive to the end of cul-de-sac

Tierra Loma Drive - from the west property line of Tierra Humeda Drive to the east property line of Tierra Salada Drive

Tierra Lago Way - from the west property line of Tierra Humeda Drive to the end of cul-de-sac

Tierra Rio Drive - from the north property line of Tierra Arroyo Drive to the southeast subdivision boundary line

Tierra Brisa Drive - from the west property line of Tierra Humeda Drive to the southwest property line between Lots 40 and 41, Block 33

Tierra Fina Drive - from the west property line of Tierra Humeda Drive to the southwest property line between Lots 38 and 39, Block 35

Drainage Improvements:

Retention Ponding Area - at Lot 75, Block 33; with a 1.57 ac. Area and a 18.37 ac-ft. Capacity; 1-Thurst Block Structure with Concrete Rip-Rap; 130 ft. of 36" R.C.P.; 1-Concrete Head Wall Structure with Concrete Rip-Rap; 70.80 ft. of 18" R.C.P.; 1-Junction Box/72" Manhole; 1048.5 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter; and 18 ft. Double Swing Gate

15 ft. Drainage Easement - between Lots 65 and 66, Block 33; 169.97 ft. of 24" R.C.P.;

Drainage Structure - 1-3 Grate Drop Inlet Type I at Tierra Salada Drive  
1-10 Grate Drop Inlet Type III; 672.64 ft. of 42" R.C.P.; and 1-Junction Box/72' Manhole at Tierra Arroyo Drive

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Fire

Add	1.00	Fire Deputy Chief	FS8
Delete	1.00	Fire District Chief	FS6

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport

Add	1.00	Stores Supervisor	GS19
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.....  
Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- 12A.** PID #B202-999-0880-4600, \$256.70 per month installments on a balance of \$2,053.60 for 2002 taxes Jose Rico – 2501 Yandell.
- 12B.** PID #C518-999-0290-5200, \$1,794.99 per month installments on a balance of \$21,539.88 for 2001 & 2002 taxes; John Minor – 1515 Cessna.

- 12C.** PID #E736-999-0010-3100, \$356.55 per month installments on a balance of \$4,278.60 for 1997, 2000 & 2002 taxes; Ruben & Mary D L L Carmona – 704 Lomita Dr.
- 12D.** PID #'s G569-999-0120-0500 & B202-999-0880-5100, \$363.10 per month installments on a balance of \$2,541.70 for 2002 taxes; Cynthia Rico - 4307 Pershing.
- 12E.** PID #G686-999-0780-1500, \$289.39 per month installments on a balance of \$2,315.12 for 2002 taxes; Rebecca P. & Adrian Diaz De Leon – 3823 Nations.
- 12F.** PID #'s H453-999-1190-4500& E014-999-0750-3400, \$364.74 per month installments on a balance of \$6,565.32 for 1999, 2000, 2001 & 2002 taxes; Bernadino & Maria Carrillo – 2519 Piedras.
- 12G.** PID #L777-999-0030-2100, \$506.68 per month installments on a balance of \$6,080.16 for 2002 taxes; Lorenzo & Susan E. Martinez – 4001 Little.
- 12H.** PID #M996-999-0060-3300, \$405.61 per month installments on a balance of \$2,433.66 for 2002 taxes; James L. & Shirly Williams – 10012 Foothill Dr.
- 12I.** PID #V897-999-0450-1800, \$523.75 per month installments on a balance of \$5,237.50 for 2002 taxes; Veronica C. & Jose H. Gonzalez – 1943 Bay City Pl.
- 12J.** PID #Y805-999-0020-1816, \$1,443.13 per month installments on a balance of \$8,658.78 for 2002 taxes; Mullen Telles, Inc. – No Address Assigned.

.....  
 \*Motion made, seconded and unanimously carried to approve the request to transfer the amount of \$2000 (two thousand) from District 7 (previous years) Discretionary Funds to the Carolina Recreation Center - Summer Lunch Program - with the City of El Paso Parks and Recreation Department to assist toward purchase of a commercial refrigerator and a catering cart.

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-592  
**METROPOLITAN PLANNING ORGANIZATION**  
 To reallocate and reconcile accounts for MPO program and reconcile accounts for FY01 Grant G780101.

Increase	\$99,123.14	to	68150009/G78010105005/406000	Fed Grt Proc
Increase	\$17,239.17	to	68150009/G78010105005/501000	Wages/Sal
Increase	\$ 1,366.23	to	68150009/G78010105005/501002	Overtime
Increase	\$61,970.96	to	68150009/G78010105005/501011	Part time
Increase	\$ 2,042.48	to	68150009/G78010105005/501108	POS City
Increase	\$ 3,776.87	to	68150009/G78010105005/501124	City Pension
Increase	\$ 2,132.42	to	68150009/G78010105005/501129	FICA
Increase	\$ 317.58	to	68150009/G78010105005/501130	FICA City Mat
Increase	\$ 6,364.46	to	68150009/G78010105005/502302	Print Shop
Increase	\$ 167.65	to	68150009/G78010105005/502304	Mailroom
Increase	\$ 218.11	to	68150009/G78010105005/504002	Paging Serv
Increase	\$ 3,527.21	to	68150009/G78010105005/504203	Postage

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-607 **COMMUNITY AND HUMAN DEVELOPMENT**  
 Employment Opportunity Services withdrew from their contract. That \$25,000 is being divided between LULAC Project Amistad (\$12,500) and City County Nutrition (\$12,500).

Decrease	\$25,000	from	71150031/G7128SS003108588/505200	CD Serv Proj
Increase	\$12,500	to	71150031/G7128SS003008587/505200	CD Serv Proj
Increase	\$12,500	to	71150031/G7128SS003308590/505200	CD Serv Proj

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-611 **PARKS & RECREATION**

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.



Increase	\$ 600	to	51159242/P51800085816336/405072	PrkldDedFees
Increase	\$ 600	to	51159242/P51800085816336/508004	PubUseFac
Increase	\$50,700	to	51159242/P51800083616175/405072	PrkldDedFees
Increase	\$50,700	to	51159242/P51800083616175/508004	PubUseFac
Increase	\$ 4,974	to	51159242/P51800082516164/405072	PrkldDedFees
Increase	\$ 4,974	to	51159242/P51800082516164/508004	PubUseFac
Increase	\$61,800	to	51159242/P51800083616175/405072	PrkldDedFees
Increase	\$61,800	to	51159242/P51800083616175/508004	PubUseFac

.....  
 Motion made, seconded and unanimously carried to move to the Regular Agenda the following budget transfer BT2003-622 FLEET SERVICES

Mr. Jorge Artalejo, citizen, made comments.

Mr. Charlie McNabb, Chief Administrative Officer, provided explanation.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, provided additional financial explanation.

Motion made Representative Medina, seconded by Representative Power and unanimously carried to approve budget transfer BT2003-622 FLEET SERVICES  
 Appropriation increase to cover future expenditures for FY2003 for fuel and parts.

Increase	\$700,000	to	37370510/45202/503121	InvPurMat
Increase	\$700,000	to	37370510/45202/404351	EqMntChgs
Increase	\$500,000	to	37370510/45202/503124	Fuel Inv Pur
Increase	\$500,000	to	37370510/45202/404352	Fuel LubChgs

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Ascarate Elementary School to hold a Color Day Parade on May 28, 2003 from 9:30 a.m. to 10:30 a.m. Route: Start from back of schoolyard to George Orr, right on Red Robin, right on Sparrow, left on George Orr and return to school. Approximately 550 persons and 5 vehicles will take part and 200 spectators are anticipated. PERMIT NO. 03-063 [Grace Martinez]

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Constance Hulbert Elementary to hold a Color Day Parade on May 28, 2003 from 9:30 a.m. to 10:30 a.m. Route: Start at the school, turn right on Franklin Dr to Franklin Loop, proceed on the Franklin Loop to Franklin Dr. and return to the school. Approximately 500 persons and 2 vehicles will take and 100 spectators are anticipated. PERMIT NO. 03-068 [Nellie Morales]

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Inter-Club Council to use amplification (1 microphone, 1 amplifier, 2 speakers) at Mary Webb Park on June 14<sup>th</sup>, 2003 from 12:00 p.m. to 4:00 p.m. Approximately 200-300 persons will take part. PERMIT NO. 03-069 [Carl Robinson]

.....  
 \*Motion made, seconded and unanimously carried to delete the request of Rafael Castillo to use amplification (1 DJ sound system, 1 microphone and 2 speakers) at 5901 Ybarra on May 24, 2003 from 7:30 p.m. to 12:00 a.m. and on June 6, 2003 from 7:30 p.m. to 10:30 p.m. for a Quinceañera. Approximately 4 persons to take part and 150 spectators anticipated. Use of amplification shall comply with Chapter 9.40 of the El Paso Municipal Code. PERMIT NO. 03-062 [Rafael Castillo]

\*Motion made, seconded and unanimously carried to approve the request of Mission Iglesia Universal de Jesuscristo to use amplification (2 speakers, 2 microphones, 1 guitar, a set of drums, and a bass) at El Barrio Park on May 24, 2003 & May 25, 2003 from 7:30 p.m. to 9:30 p.m. Approximately 20 persons will take part and 50 spectators are anticipated. PERMIT NO. 03-070 [Raul Raygosa Sr.]

.....  
\*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of all of Lot 57, Block 571, VISTA DEL SOL UNIT ONE HUNDRED FIFTY SIX, El Paso, El Paso County, Texas (1280 David Bret Drive) from R-1 (Residential) to R-3 (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: JC General Contractors Inc. / Representative: CAD Consulting Company, 1790 Lee Treviño Drive Suite 309, El Paso, TX 79936. ZC-02074

.....  
ORDINANCE 15445

The City Clerk read an Ordinance entitled: An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **LABORATORY ANALYST**.

There being no public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15446

The City Clerk read an Ordinance entitled: An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **CHEMIST**.

There being no public comment, the vote was taken.

Motion duly made by Representative Sariñana, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15447

The City Clerk read an Ordinance entitled: An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **SENIOR CHEMIST**.

There being no public comment, the vote was taken.

Motion duly made by Representative Sariñana, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15448

The City Clerk read an Ordinance entitled: An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) Section 4, Fringe Benefits, Subsection 4.9, Military Leave to provide supplemental pay for employees involuntarily called back to active military service as part of mobilization under Operation Iraqi Freedom when the employee's military pay is less than the employee's city salary.

Representative Medina requested additional clarification.

Ms. Terry A. Bond, Director of Personnel, provided explanation.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance changing the zoning of: (Parcel 1) a Portion of Tracts 319, 320, 325 & 326, SUNRISE ACRES NO. 1, El Paso, El Paso County, Texas (Moonlight Drive) from R-4 (Residential) to A-2 (Apartment) and (Parcel 2) a Portion of Tracts 320 & 325, SUNRISE ACRES NO. 1, El Paso, El Paso County, Texas (Moonlight Drive and Gateway Blvd. South) from R-4 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03012. Applicant: Sabine Valucci / Representative: Dorado Engineering, Inc., 2717 E. Yandell, El Paso, TX 79903.

ORDINANCE 15449

The City Clerk read an Ordinance entitled: An Ordinance granting Special Permit No. SU-03006 to allow for a parking reduction on the property described as a Portion of Lots 11 & 12, Block 213, ALEXANDER ADDITION, El Paso, El Paso County, Texas (2626 North Mesa), pursuant to Section 20.64.175, and the penalty is as provided in Chapter 20.68 of the El Paso Municipal Code.

Ms. Kim Forsyth, Urban Planner, provided explanation regarding the Special Permit for parking reduction.

Representatives Cobos, Escobar, Sariñana, Cook, and Medina commented.

Mayor Raymond C. Caballero added comments.

Ms. Allison Lewis, property owner, provided further clarification.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, and Cobos  
NAYS: Council Member Sariñana Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cobos, seconded by Representative Sariñana and carried to reconsider the above Ordinance. Representative Medina was not present for the vote.

Ms. Rita Rodriguez, City Attorney, and Mr. Charlie McNabb, Chief Administrative Officer, stated their concerns in reference to the Open Meetings Act specifically regarding Council Members requesting items being reconsidered while absent from the City Council meeting.

Representatives Escobar, Cook and Cobos provided additional comments.

Ms. Forsyth provided additional explanation.

Motion made by Representative Cook, seconded by Representative Cobos and carried to approve the Ordinance.

AYES: Council Members Rodriguez, Medina, Cook, Power, and Cobos  
NAYS: Council Members Escobar and Sariñana Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15450

The City Clerk read an Ordinance entitled: An Ordinance changing the zoning of a portion of Tract 1, Section 40, Block 79, Township 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, El Paso, El Paso County, Texas (Tierra Cortez Avenue at Pebble Hills Boulevard) from R-3A (Residential) to R-5 (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2322 Silver Avenue in El Paso, Texas, which property is more particularly described as follows:

Lots: 20 and 21, Block 62, Highland Park Addition

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Ruben Anguiano, 2330 Montana Avenue, El Paso, Texas 79903, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 20<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the primary Building and the accessory structure be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That a public hearing be scheduled for July 15<sup>th</sup>, 2003, in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the department's recommendation(s).

Motion made by Representative Rodriguez, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

Representatives Sumrall and Escobar were not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cook and carried to postpone two (2) weeks a public hearing to determine if the property located at 804-812 E. Third Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Maria Elena Castruita, 417 S. Ochoa Street, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$1,376.65.

AYE: Representatives Cook, Power, Escobar, Sariñana, and Cobos  
NAY: Representative Rodriguez  
NOT PRESENT: Representative Medina  
EXCUSED: Representative Sumrall

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the department's recommendation(s).

Representative Cobos commented.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 1408 Delta Drive AKA 1406-1408 Delta Drive, in El Paso, Texas, which property is more particularly described as follows:

Lots: The East 40 feet of Lots 11 through 13, inclusive, Block 63, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 19, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Maria Alva, P. O. Box 1422, El Paso, Texas 79948, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 20<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the main structure and accessory building be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That a public hearing be scheduled for July 22, 2003, in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the main structure and accessory building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the main structure and accessory building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the main structure and accessory building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and



10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the department's recommendation(s).

Representatives Cobos and Sariñana commented.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representatives Sumrall and Medina were not present for the vote.

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Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to postpone one (1) week a public hearing to determine if the property located at 551 Cora Place, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Elvira F. Chabarría, 551 Cora Place, El Paso, Texas 79915, has been notified of the violations at this property. Delinquent taxes in the amount of \$629.61.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the department's recommendation(s).

Ms. Priscilla Duran, daughter of Ms. Chabarría, provided comments.

Representative Sariñana made remarks.

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Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to postpone one (1) week the discussion and action authorizing the City Engineering Department to sign and submit a vacation application and any related documents, for portion of Main Street; and that the Planning, Research & Development Department be authorized to accept and process such application.

Ms. Patricia Aduato, Deputy CAO for Building and Planning Services, provided explanation.

Representatives Cobos and Rodriguez made remarks.

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No action was taken on the discussion and action on the status of paving of Edgemere Blvd. in front of Bill Sybert School and El Dorado High School located in District 5.

Representative Power expressed his concerns on the matter.

Ms. Rita Rodriguez, City Attorney, made comments.

Mr. Ed Drusina, Deputy Chief Administrative Officer, Municipal Services, provided explanation.

Representatives Medina, Cook and Cobos commented.

Mr. Charlie McNabb, Chief Administrative Officer, added additional explanation and comment.

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\*Motion made, seconded and unanimously carried to delete the discussion and action on the City's policy with respect to water pressure inspection of residential landscape construction.

.....  
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to delete the discussion and action on the city's enforcement of Section 3.18 of the City Charter reference Use of Streets and Sidewalks during Construction providing for rental of street when necessary for construction purposes.

Representative Power expressed his concerns on the matter.

Representative Cobos added comments.

Motion made, seconded and unanimously carried to move the matter into Executive Session.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Public Service Board is requested to develop grey water system for new subdivisions and existing subdivisions, development of a more extensive and aggressive rebate program, and the development of a rate reduction policy for those who switch to refrigerated air cooling from evaporative cooling, and to report to Council within 30 days.

Representatives Power, Cobos, Sariñana, Medina and Cook provided comments.

Mr. Said Larbi-Cherif, Assistant Deputy Director Building Permits and Inspections, provided explanation.

Ms. Theresa Caballero, citizen, made remarks.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to discuss the matter in Executive Session.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the above Resolution as revised.

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No action was taken on the discussion and action on the status of Residential Street Light contract.

Representatives Power, Sariñana and Medina made comments.

Mr. Raymond L. Telles, Assistant City Attorney, provided explanation.

.....  
\*Motion made, seconded and unanimously carried to delete the discussion and action on authorizing an independent audit of Public Service Board accounts.

.....  
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- 24A.** An Ordinance permitting Unitarian Universalist Community of El Paso to use a portion of Memorial Park from 7:00 am until 11:00 am on June 14, 2003.

- 24B.** An Ordinance permitting Texas Avenue Heritage Association to use San Jacinto Plaza from 7:00 pm until 12:00 am on June 20, 2003 through August 22, 2003 (Fridays Only)
- 24C.** An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **WATER PRODUCTION SUPERINTENDENT**.
- 24D.** An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **PLANNER II**.
- 24E.** An Ordinance amending Title 9 (Health And Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.120 (Chapter 33, Explosives And Fireworks—Amended) adding Subsection (B)(1) to address Jurisdictional Area and Subsection (T) for disposal of Explosives, Explosive Material Or Fireworks. The penalty being as provided in Section 1.08.010 of the El Paso Municipal Code.
- 24F.** An Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.3 Examination of Documents), Section 18.02.103.7 (Fees) and Section 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as provided in Section 18.04.107 of the Code.
- 24G.** An Ordinance granting a Special Privilege to Regent Communications-El Paso to temporarily close a portion of Santa Fe Street between Franklin Avenue and San Antonio Avenue; Main Drive between Santa Fe Street and El Paso Street; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; Durango Street (north bound access road) between San Francisco Avenue and San Antonio Avenue from 6:00 p.m. on Thursday, July 3, 2003 to 6:00 p.m. on Sunday, July 6, 2003 for the El Paso Downtown Street Festival.
- 24H.** An Ordinance granting a Special Privilege to Border Cab Company authorizing the use of a portion of public right-of-way adjacent to 124 North Cobia Street with one taxicab stand.

**PUBLIC HEARING WILL BE HELD ON JUNE 3, 2003 FOR ITEMS A – H**

- 24I.** An Ordinance vacating a portion of a dedicated Alley within Block G, Montoya Townsite Supplementary Map No. 2, El Paso, El Paso County, Texas.

**PUBLIC HEARING WILL BE HELD ON JUNE 10, 2003 FOR ITEM I**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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## **ADDITION TO THE AGENDA**

\*Motion made, seconded and unanimously carried to excuse Representative Jan Sumrall from the Regular Council Meeting of May 20, 2003.

.....  
Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Discussion and action on the city's enforcement of Section 3.18 of the City Charter reference Use of Streets and Sidewalks during Construction providing for rental of street when necessary for construction purposes. (551.071)
- B. Discussion and action on a Resolution directing the Public Service Board to develop grey water system for new subdivisions and existing subdivisions, development of a more extensive and aggressive rebate program, and the development of a rate reduction policy for those who switch to refrigerated air cooling from evaporative cooling, and to report to Council within 30 days. (551.071)

Motion made by Representative Rodriguez, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

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Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to delete the discussion and action on the city's enforcement of Section 3.18 of the City Charter reference Use of Streets and Sidewalks during Construction providing for rental of street when necessary for construction purposes.

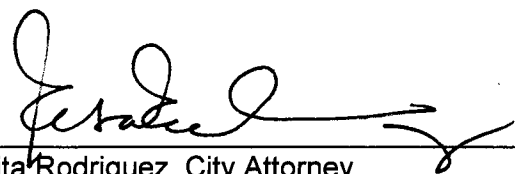
.....  
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the Resolution requesting the Public Service Board to develop grey water system for new subdivisions and existing subdivisions, development of a more extensive and aggressive rebate program, and the development of a rate reduction policy for those who switch to refrigerated air cooling from evaporative cooling, and to report to Council within 30 days, as revised.

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Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 11:28 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

  
Richarda Duffy Momsen, City Clerk

  
Rita Rodriguez, City Attorney